

August 25, 2025

***Via First Class Mail and Email***

Regulatory Division  
Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 W. Allegan St  
Lansing, MI 48918  
[BOERegulatory@Michigan.gov](mailto:BOERegulatory@Michigan.gov)

To Whom It May Concern:

**Re:     *Robbins v. Library Green Conservancy*  
          *Campaign Finance Act Complaint #25-044***

Please allow this communication to serve as a response to Andrew Robbins' complaint against Library Green Conservancy ("LGC"). LGC is a 501(c)(3) non-profit organization that was formed by local Ann Arbor residents in 2012. (Exhibit I, IRS Exemption Letter). The LGC's purpose is to provide the necessary organization to transform the land adjacent to the Downtown Ann Arbor District Library into a public park. Its mission includes preserving the land for park development pursuant to a 2018 amendment to the Ann Arbor City Charter and garnering local support to design, construct, and maintain the prospective park for the betterment of the community at large.

Mr. Robbins' Complaint alleges that LGC violated the Michigan Campaign Finance Act ("MCFA"), MCL 169.201 et seq., by failing to register as a campaign finance committee. This allegation was made after LGC sponsored advertisements that discussed ballot questions in the August 2025 Ann Arbor election. LGC's response is straightforward and consistent with Michigan campaign finance law: no violation exists because such advertisements solely constituted issue advocacy.



Indeed, Mr. Robbins' complaint completely ignores the enumerated exceptions to what constitutes an expenditure under the MCFA.<sup>1</sup> MCL 169.206(2)(b) excepts from the definition of expenditure "communication on a subject or issue if the communication does not support or oppose a ballot question or candidate by name or clear inference" and "communication if the communication does not in express terms advocate the election or defeat of a clearly identified candidate so as to restrict the application of this act to communications containing express words of advocacy of election or defeat, such as 'vote for', 'elect', 'support', 'cast your ballot for', 'Smith for governor', 'vote against', 'defeat', or 'reject'."

These exceptions recognize historic, constitutionally mandated guarantees of free political speech and the freedom of association that are held sacred under the First Amendment. The exchange of "ideas for the bringing about of political and social changes desired by the people" is one of the cornerstones of the Constitution and is expressly protected by the First Amendment. *Buckley v. Valeo*, 424 US 1, 14 (1976) (quoting *Roth v. United States*, 354 US 476, 484 (1957)). Individuals and corporations have the power to engage in unregulated speech aimed at the discussion of government affairs and public issues and to associate freely by way of expenditures or contributions with the political entities of their choosing. *Id.* at 14-15. Because these actions are constitutionally protected, they can only be regulated to serve a compelling governmental interest. See *Id.* at 44-45 (noting that exacting scrutiny applies to restrictions on political expression).

In *Buckley v. Valeo*, the United States Supreme Court recognized that expenditures for communications that expressly advocate for a candidate (or, by administrative interpretation, ballot questions) can be regulated, whereas those constituting issue advocacy cannot. See *Buckley*, 424 US at 43-44; see also *Planned Parenthood Affiliates v. Miller*, 21 F Supp 2d 740, 73 (1998). Express advocacy communications are "communications containing express words of advocacy...of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'"<sup>2</sup> *Buckley*, 424 US at 44, n 52. On the other hand, issue advocacy expenditures are those made for or against issues of public importance, rather than the defeat or election of a clearly defined candidate or ballot question. *Planned Parenthood Affiliates*, 21 F Supp 2d at 742; *Rio Grande Found v. Oliver*, 727 F Supp 3d 988, 1000 (2024) ("Communications that do not expressly advocate for the election or defeat of a clearly identified candidate or ballot issue are issue advocacy, not express advocacy.").

---

<sup>1</sup> Generally, "'expenditure' means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party. Expenditure includes, but is not limited to, any of the following:

(a) A contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party." MCL 169.206(1).

The Michigan Department of State (“MDOS”) has recognized that the government cannot regulate issue advocacy, and has found that issue ads do not constitute expenditures under the MCFA. I.S. issued to Norman C. Witte, dated August 26, 2002; I.S. issued to Robert S. LaBrant, dated April 20, 2004 (acknowledging that issue ads “are often more vicious than MCFA-regulated ads.”) In fact, in proceedings very similar to this one, MDOS has found that no MCFA violation existed where advertisements were devoid of the “magic words” of express advocacy. See *Debra Fried v. Detroiters for Change*, MDOS Decision Issued Dec. 17, 2018 (Exhibit 2) and *Ken Bergwerff v. Pruis, Jenkins, & Koroleski*, MDOS Decision Issued July 15, 2016 (Exhibit 3).

In this case, LGC did not make any expenditures that would require it to file as a campaign finance committee. On their face, LGC’s sponsored advertisements constitute issue advocacy only. The advertisements are devoid of the magic words of express advocacy. They do not ask voters to “vote,” “support,” “defeat,” “reject,” or “cast their ballot for” (or against) Proposals A & B. Instead, they provide voters with information regarding Proposals A & B and their impact, based on statements made by City and Library leaders. These advertisements were meant and intended to educate and provide facts on Proposals A & B, not compel individuals to vote for or against, defeat, or reject a certain issue.

Each statement contained therein is based in fact. For example, on November 20, 2024, Ann Arbor District Library (“AADL”) director, Eli Neiburger noted that the location of the current downtown library could be rezoned to be redeveloped as a high-rise. (Exhibit 4, *What could a new downtown library be like?* MLIVE, November 20, 2024). This information is directly reflected in LGC’s advertisements, which note that Proposals A & B are not needed to replace the downtown library.

Additionally, on March 3, 2025, City Administrator Dohoney issued a memorandum which outlined a prospective deal between the District Library and the City. In this memorandum, Dohoney noted that, “AADL will replace their main structure regardless of Library Lane outcome” and the “City to sell air rights for Library Lane Lot to AADL for \$1,” who would then “sell/lease air rights to a developer obtaining annual payments to pay debt service on the bonds for vertical construction.” (Exhibit 5, Dohoney Memorandum). LGC’s advertisements merely highlight these facts – Proposals A & B are mere steps in the process identified by Dohoney and would allow for the sale of valuable downtown land for private development.

Furthermore, Ann Arbor’s voters did approve the Charter Amendment in 2018, which set aside the Library Lane Lot for a public park. (Exhibit 6, 2018 Election Results). Proposals A & B sought to repeal this Charter Amendment and allow for the Library Lane Lot to be developed in other manners. Therefore, LGC’s advertisements that the park approved by Ann Arbor electors was under attack and the Proposals would overturn the will of the majority of the 2018 voters is informative.

Next, Mr. Robbins' complaint alleges that LGC's advertisements are misleading. However, these advertisements simply point out problems with the ballot questions. The ballot language was as follows:

**CITY OF ANN ARBOR PROPOSAL A: AMENDMENT TO  
AUTHORIZE THE TRANSFER OF CITY OWNED PROPERTY TO  
THE ANN ARBOR DISTRICT LIBRARY**

Shall Section 14.3 of the City Charter be amended to authorize the City to sell its interests in 319 South Fifth Avenue or 326 South Division Street, commonly known as the Library Lane Parking Structure, only to the Ann Arbor District Library for the purpose of building a mixed-use development that includes additional library services, housing, retail, and programmable open public space? This proposal does not authorize new taxes. Adoption of this amendment is conditioned on adoption of City Proposal B at this election.

**CITY OF ANN ARBOR PROPOSAL B: AMENDMENT TO REPEAL  
SECTION 1.4 OF THE CITY CHARTER**

Shall Section 1.4 of the City Charter, currently titled Center of the City, be repealed? Adoption of this amendment is conditioned on adoption of City Proposal A at this election.

Given the City Administrator's statements on these issues, Proposal A is misleading, in it fails to recognize that the City's interests will be sold to AADL, and in turn sold to a developer to erect two high rises<sup>2</sup>. (Exhibit 5). LGC's statements merely parrot those of the City Administrator – pointing out the intended plan for the land. Further, Proposal B was contingent on the passage of Proposal A, thereby tying the two together and highlighting the factual nature of LGC's advertisement. Furthermore, as attached hereto, campaign materials for Proposal A & B implied that ballot proposals were necessary to replace the library, thereby highlighting LGC's need to inform the public regarding the intended plan for the land. (Exhibit 7, "Vote Yes" Ads).

---

<sup>2</sup> In fact, the misleading nature of these ballot questions were highlighted in a concurrent lawsuit, Lynda Asher et al v. City of Ann Arbor, which challenged the language and sought to remove the proposals from the ballot. (Exhibit 8, *Lawsuit Challenges Ann Arbor Ballot Proposals for New Library*, MLIVE, June 16, 2025).



The additional evidence submitted by Mr. Robbins is rebutted as follows:

- **AADL Feasibility Report 2019 (Item C of Complaint):** The 2019 feasibility report was cited in public comments by the AADL's director in November 2024 and again in March 2025 as the basis for his claim that the downtown library could/would be replaced without passage of the two ballot proposals. Mr. Robbins' own interpretation of the 2019 feasibility report is not relevant.
- **LGC postcard mailer #1 June 2025 (Items D and E of Complaint):** The content of this mailer is meant to educate voters. It does not tell them how to vote. The statement referenced by the complainant is entirely factual and does not contain any "magic words."
- **LGC postcard mailer #2 July 2025 (Items F and G of Complaint)** The statements referenced by Mr. Robbins are explained on the post card and provide context for the voter to make a decision. The content of this mailer is meant to educate voters. It does not tell them how to vote and, again, does not have any "magic words."
- **LGC postcard mailers #3 and #4 July 2025 (Items H, I and J of Complaint):** The content of the mailer(s) is meant to educate voters. It does not tell them how to vote. The officials quoted on this mailer are not candidates on the ballot and their quotes were recorded in a public meeting. (Exhibit 9, City Council Transcript). This is not express advocacy.

The advertisements complained about by Mr. Robbins do not constitute express advocacy required to be reported as an expenditure under the MCFA. The amount paid for such advertisements is irrelevant (Exhibit B of the Complaint), as they do not constitute expenditures.

Because no expenditure or contribution in excess of \$500.00 was made by LGC, it did not have an obligation to register as a campaign finance committee. Therefore, LGC respectfully requests that the Department dismiss the complaint.

However, in the event that MDOS does determine that a violation of the MCFA has occurred, please note that any such violation was unintentional as LGC believed that they were engaging in issue advocacy and therefore, exempt from registering for such expenditures.

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Stocker', with a stylized flourish at the end.

Library Green Conservancy, through its counsel, Hannah Stocker

**HANNAH L. STOCKER**

**ASSOCIATE**

Direct: 517.210.9177

[hstocker@fsbriaw.com](mailto:hstocker@fsbriaw.com)

Michigan Department of State  
Bureau of Elections  
Regulatory Division

***Robbins v. Library Green Conservancy  
Campaign Finance Act Complaint #25-044***

---

**INDEX OF EXHIBITS**

<b>Exhibit Number</b>	<b>Description</b>
Exhibit 1	IRS Exemption Letter
Exhibit 2	Freid v Detroiters for Change
Exhibit 3	Bergwerff v Pruis, Jenkins, and Koroleski
Exhibit 4	<i>What Could a New Downtown Ann Arbor Look Like?</i> MLIVE Article
Exhibit 5	Milton Dohoney Memorandum
Exhibit 6	2018 City of Ann Arbor Election Results
Exhibit 7	“Vote Yes” Advertisements
Exhibit 8	<i>Lawsuit Challenges Ann Arbor Ballot Proposals for New Library</i> MLIVE Article
Exhibit 9	March 4, 2024 Ann Arbor City Council Transcript

# EXHIBIT 1

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JAN 20 2015**

LIBRARY GREEN CONSERVANCY  
C/O WILL HATHAWAY  
3424 STOWE ST  
ANN ARBOR, MI 48103-2712

Employer Identification Number:

DLN:

Contact Person:

SHERRY Q WAN

ID# 31052

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

December 31

Public Charity Status:

170(b)(1)(A)(vi)

Form 990 Required:

Yes

Effective Date of Exemption:

June 15, 2012

Contribution Deductibility:

Yes

Addendum Applies:

No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

# EXHIBIT 2

**Campaign Finance Complaint Form  
Michigan Department of State**

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2018 JUL 13 AM 11:45  
ELECTIONS/CLERK SEAL

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1: Complainant		
Your Name <i>Debra A. Freid</i>		Daytime Telephone Number <i>989 754 0411</i>
Mailing Address <i>604 S. Jefferson Ave</i>		
City <i>Saginaw</i>	State <i>Michigan</i>	Zip <i>48607</i>

Section 2: Alleged Violator		
Name <i>See attachment 1</i>		
Mailing Address		
City	State	Zip

**Section 3: Alleged Violations (Use additional sheet if more space is needed)**

Section(s) of the MCFA violated:  
*MCL 169.224, 169.226, 169.247, 169.254*

Explain how those sections were violated:  
*See attachment 2*

Evidence that supports those allegations (attach copies of pertinent documents and other information):

**Section 4. Certification (Required)**

*I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.*

X

Signature of Complainant

July 13, 2018

Date

**Section 5. Certification without Evidence (Supplemental to Section 4)**

**Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:**

*I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:*

---

---

---

---

---

---

X

Signature of Complainant

Date

**Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.**

**Mail or deliver the completed complaint form with an original signature and evidence to the following address:**

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building - 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918



#### **Attachment 1**

Detroiters for Change  
c/o The Corporation Company  
40600 Ann Arbor Road, Suite 201  
Plymouth, MI 48170

Adam J. Hollier Committee (candidate committee for Adam Hollier for State Senate)  
31 Arden Park  
Detroit, MI 48202

Friends to Elect Marshall Bullock (candidate committee for Marshall Bullock for State Senate)  
PO Box 211118  
Detroit, MI 48221

Friends to Elect Terra DeFoe (candidate committee for Terra DeFoe for State House)  
PO Box 43014  
Detroit, MI 48243

#### **Attachment 2**

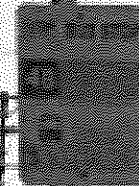
Detroiters for Change, a corporation, has leased billboards in Detroit (photos attached) expressly advocating for the election of Adam Hollier to the State Senate ("We need Adam Hollier in Lansing!"), Marshall Bullock for State Senate (same except for name) and Terra DeFoe for State House (same except for name). Detroiters for Change has failed to register as a committee and report these expenditures in violation of MCL 169.224 and 169.226; 2) has used the wrong identifications on the billboards which lack the phrase "with regulated funds" in violation of MCL 169.247; and 3) because there is no disclaimer ("not authorized by any candidate") the expenditures must be in-kind contributions to Hollier, Bullock and DeFoe which are illegal corporate contributions to them under MCL 169.254. Hollier, Bullock and DeFoe have received illegal corporate contributions from Detroiters for Change in violation of MCL 169.254.

**Car Insurance Costs**

Cleveland	\$ 983
Grosse Pointe	\$ 2,545

**WE NEED  
MARSHALL  
BULLOCK  
IN LANSING!**

We Need Marshall Bullock in Lansing!



**Car Insurance Costs**

Indianapolis	\$ 1,222
River Rouge	\$ 2,823

**WE NEED  
TERRA DEFOE  
IN LANSING**

[WeNeedTerraDeFoe.com](http://WeNeedTerraDeFoe.com)

© 2008 Terra DeFoe. All rights reserved.

OCRAAT

# 'ERRA' DIEFOE

fighter who wins. For us.

Faith has guided Erra De





Paid for by Detroiters for Change  
PO Box 43206, Detroit, MI 48243



DFC\_AH\_1



## ADAM HOLLIER

Ready to Battle Ripoff Rates  
Supporting Driver's Choice

Adam is a real warrior for social justice. He will stand up for Driver's Choice and a plan that:

- ☒ **Guarantees** every driver AT LEAST a 20% rate reduction by allowing them to choose their amount of coverage.
- ☒ **Saves** seniors \$1,000 or more on insurance RIGHT AWAY by ending the rules that FORCE them to buy useless coverage.
- ☒ **Ends** the practice of letting doctors and hospitals to charge car accident victims higher **ripoff rates**.

Adam Hollier is a member of the Army Reserve. Use of his military rank, job titles, and photos in uniform does not imply endorsement by the Department of Defense or



**Car Insurance Costs**

Milwaukee \$ 1,168

Allen Park \$ 2,352

**WE NEED  
ADAM HOLLIER  
IN LANSING!**

[WeNeedDriversChoice.com](http://WeNeedDriversChoice.com)

Produced by Greenleaf Media Group, Inc. 500-422288, Detroit, MI 48207

1433

94649

Paid for by Detraitors for Change  
PO Box 45206, Detroit, MI 48243



DFC\_AH.1



### ADAM HOLLIER

Ready to Battle Ripoff Rates  
Supporting Driver's Choice

Adam is a real warrior for social justice. He will stand up for Driver's Choice and a plan that:

- ☒ **Guarantees** every driver AT LEAST a 20% rate reduction by allowing them to choose their amount of coverage.
- ☒ **Saves** seniors \$1,000 or more on insurance RIGHT AWAY by ending the rules that FORCE them to buy useless coverage.
- ☒ **Ends** the practice of letting doctors and hospitals to charge car accident victims higher **ripoff rates**.

Adam Hollier is a member of the Army Reserve. Use of his military rank, job titles, and photographs in uniform does not imply endorsement by the Department of Defense or





# ADAM HOLLIER.

## Serving Our Country. Serving Detroit



*Adam knows seniors are the bedrock of Detroit.*

When Adam Hollier was just 10, his father Carl-a Detroit firefighter—took him to the Million Man March. That experience lit a fire for service in him.

Detroit Public Schools put Adam on a path to success. He was a standout student leader and natural athlete at Renaissance High School, from which he earned a scholarship to Cornell University (He later got a master's from the University of Michigan).

When Adam saw the suffering of Katrina, he went to the Gulf and worked rebuilding for months. Then he came back to help rebuild Detroit, helping seniors keep their utilities and leading the creation of the Public Lighting Authority to finally fix our streetlights.

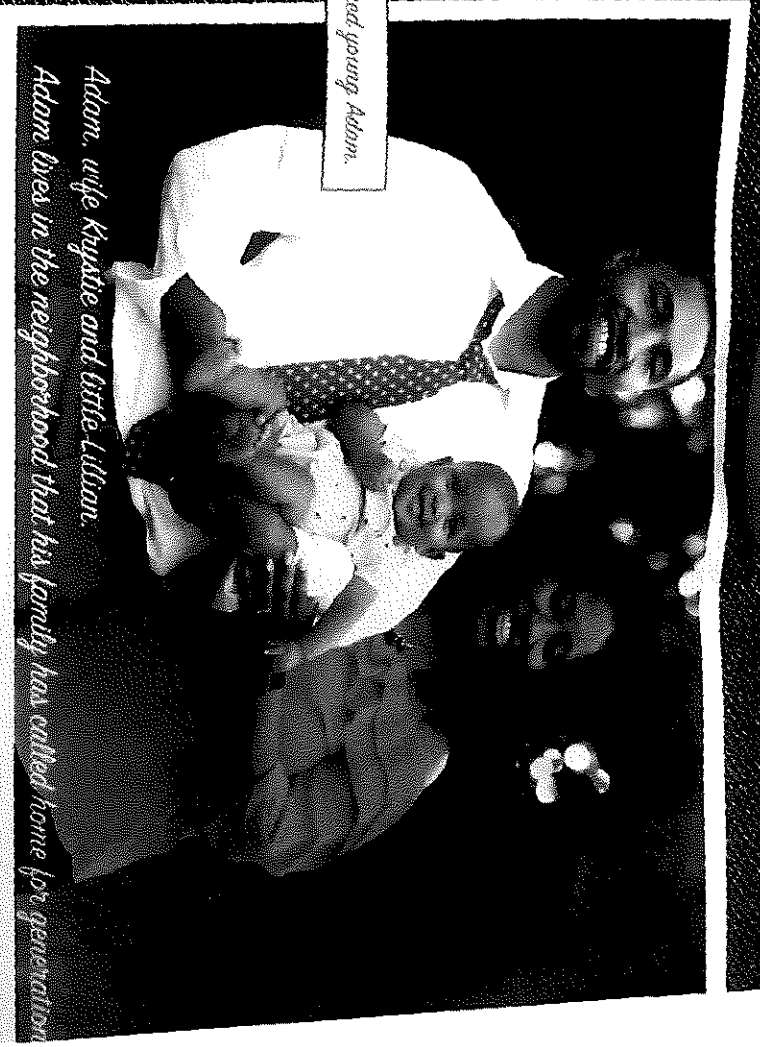
Still on his path of service, he enlisted in the Army, where he currently serves as a First Lieutenant.

Adam has been a warrior his entire life for what's right. Now he's ready to be a warrior for Detroit.





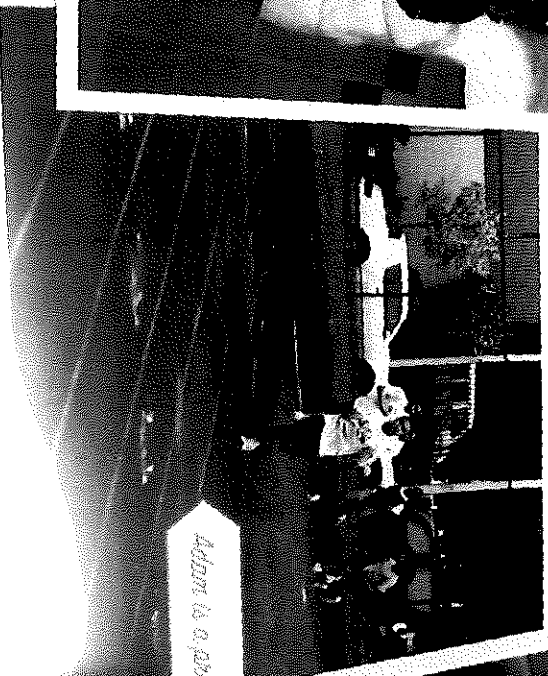
*The Million Man March inspired young Adam.*



*Adam, wife Kyahle and little Adam. Adam lives in the neighborhood that his family has called home for generations.*



*Adam was raised in a proud union household.*



*Adam is a product of Detroit Public Schools, where...*





STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

July 16, 2018

Detroiters for Change  
40600 Ann Arbor Road, Suite 201  
Plymouth, Michigan 48170

Adam J. Hollier Committee  
31 Arden Park  
Detroit, Michigan 48202

Friends to Elect Marshall Bullock  
PO Box 211118  
Detroit, Michigan 48221

Friends to Elect Terra DeFoe  
PO Box 43014  
Detroit, Michigan 48243

Dear Detroiters for Change, Mr. Hollier, Mr. Bullock and Ms. DeFoe :

The Department of State (Department) received a formal complaint filed by Debra Freid against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

The MCFA prohibits a corporation from making a contribution or expenditure that are excluded from the definition of "contribution." MCL 169.254. Under the MCFA, a contribution is defined as "a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party." MCL 169.204(1). A contribution is not an independent expenditure. MCL 169.204(3)(e). A knowing violation of this section is a felony, punishable by a fine of not more than \$10,000 or imprisonment. MCL 169.254(5).

The MCFA also requires certain identification statements or disclaimers on campaign related materials. Billboards having reference to an election, a candidate, or a ballot question must contain an identification. If the billboard is an independent expenditure, it must contain the disclaimer: "Not authorized by any candidate committee." MCL 169.247(1). Except for

communications that are exempted from the act or a candidate committee's printed matter, the identification statement shall also indicate that the printed matter is paid for "with regulated funds." MCL 169.247(4)

Ms. Freid alleges that Detroiters for change has leased billboards advocating for the three candidates named in this complaint, has failed to register as a committee and report these expenditures. Ms. Freid also alleges that the billboards lack the proper identification and illegal corporate contributions.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. Should you elect to file a response, **please address the allegations and specifically explain whether these billboards constitute express advocacy as defined by the MCFA.**

All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Ms. Freid, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalties provided in section 54 of the Act.

Sincerely,



Adam L.S. Fracassi  
Bureau of Elections  
Michigan Department of State

c: Debra Freid

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2018 AUG -3 AM 10: 50

ELECTIONS/GREAT SEAL

Detroiters for Change  
P.O. Box 43206  
Detroit, MI 48243

August 3, 2018

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building - First Floor  
430 W. Allegan  
Lansing, MI 48918

Re: July 16, 2018 Complaint Against Detroiters for Change

Dear Mr. Fracassi:

This is in response to your letter dated July 16, 2018 regarding a complaint filed against Detroiters for Change by Debra A. Freid alleging certain violations of the Michigan Campaign Finance Act (the "*Act*") (MCL 169.201, *et seq*). Please let this correspondence serve as an official request by Detroiters for Change for an extension of time to file a response to the above-referenced complaint.

Detroiters for Change respectfully requests an extension of fifteen (15) business days pursuant to Section 15(5) of the Act. Good cause exists for filing this request for extension. The complaint was filed on July 14, 2018. The Secretary of State's notice to Detroiters for Change was dated July 16, 2016 and postmarked July 20, 2018. It was not received by Detroiters for Change until July 24, 2018. The requested extension will allow Detroiters for Change the necessary time to compile its response to the allegations contained in the complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario Morrow", followed by a horizontal line.

Mario Morrow  
Detroiters for Change



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

August 3, 2018

Mario Morrow  
Detroitiers for Change  
40600 Ann Arbor Road, Suite 201  
Plymouth, Michigan 48170

Via USPS & Email: [mmorrow@mariomorrow.com](mailto:mmorrow@mariomorrow.com)

Re: *Freid v. Detroitiers for Change, et al*  
Campaign Finance Complaint  
No. 2018-07-35-24

Dear Mr. Morrow:

The Department acknowledges your request for an extension of time to file an answer to the campaign finance complaint filed by Debra Freid against Detroitiers for Change. The Department understands that you did not receive the Department's July 16, 2018 notice letter until July 24, 2018, and it finds that there is good cause to grant a 15-business day extension pursuant to MCL 169.215(5). The answer is now due August 27, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L.S. Fracassi".

Adam L.S. Fracassi  
Bureau of Elections  
Michigan Department of State



RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2018 AUG 27 PM 2:35  
CLERK'S/GREAT SEAL

Dykema Gossett PLLC  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

**W. Alan Wilk**

Direct Dial: (517) 374-9122

Direct Fax: (855) 256-1485

Email: WAWilk@dykema.com

August 27, 2018

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building - First Floor  
430 W. Allegan  
Lansing, MI 48918

Re: July 16, 2018 Complaint Against Detroiters for Change

Dear Mr. Fracassi:

This is in response to your letter dated July 16, 2018, and received on July 24, 2018, regarding a complaint filed against Detroiters for Change ("***Detroiters for Change***") by Debra A. Freid ("***Complainant***") alleging certain violations of the Michigan Campaign Finance Act (the "***Act***") (MCL 169.201, *et seq.*). I respectfully request the complaint be dismissed in its entirety for failing to establish that there is reason to believe that a violation of the Act has occurred.

Complainant first alleges that Detroiters for Change has, by leasing certain billboards in the city of Detroit, expressly advocated for three candidates for state legislative office and "failed to register as a committee and report these expenditures in violation of MCL 169.224 and 169.226." Detroiters for Change has not made an "expenditure" as defined by the Act, so it has no registration or reporting requirements thereunder. This is a frivolous complaint with no explanation or analysis, which completely falls apart because there is no evidence of express advocacy.

An entity need only register pursuant to Section 24 of the Act if it meets the statutory definition of "committee" which, in relevant part, is an entity "that receives contributions or makes expenditures" for specific purposes. MCL § 169.203(4). Similarly, an entity can only report an expenditure pursuant to Section 26 of the Act if it has made an expenditure. Complainant assumes (without explaining in any detail) that the billboards are expenditures under the Act. For the following reasons, they are not.

August 27, 2018

Page 2

If a communication does not expressly advocate for the election or defeat of a candidate for public office, it is not an expenditure and is not subject to the Act. MCL § 169.206(2)(j). Indeed, the Department of State has long held that it “does not believe it has the authority to regulate issue ads. In determining which communications are subject to the [the Act], the department... appl[ies] the express advocacy standard.” See April 20, 2004 Interpretive Statement to Robert S. LaBrant. The communications of which Complainant writes do not constitute express advocacy under this time-honored standard, which was reinforced by the express advocacy codification under MCL § 169.206(2)(j).

The Act describes the terms affectionately known as the “magic words” constituting express advocacy – “express words of advocacy of election or defeat, such as ‘vote for’, ‘elect’, ‘support’, ‘cast your ballot for’, ‘Smith for governor’, ‘vote against’, ‘defeat’, or ‘reject’.” MCL § 169.206(2)(j); see also *Buckley v. Valeo*, 424 U.S. 1, 44 n. 52 (1976). None appear in the subject communications. The billboards do not ask the public to *vote for*, *elect*, *support*, or *cast their ballot* for any person in any election. Nor do they include the words “for state senate” or “for state representative.” On their face, the billboards are communications lacking express words of advocacy of election or defeat and so are not expenditures as defined by the Act.

Under the *Buckley* standard, the presence or absence of magic words is determinative, not any inference that viewers of the communication may independently draw. Even so, in this case, not only is any campaign express advocacy lacking from the text of each billboard, but also the subject matter is the issue of reform of the state’s auto no-fault laws.

Notably, the communications also lack any context by which a person could infer that the communications expressly advocate for a candidate for public office. The billboards do not reference an election or campaign of any kind. They do not provide the date(s) of any upcoming election. They do not refer to any person as a candidate for public office. They do not include a political party designation.

Complainant’s second argument is that Detroiters for Change has “used the wrong identifications on the billboards which lack the phrase ‘with regulated funds’ in violation of MCL 169.247.” This identification language is not required for communications entirely exempted from the Act pursuant to MCL § 169.206(2)(j). See MCL § 169.247(4); 169.247(5). Because the billboards do not expressly advocate, they are communications entirely exempted from the Act pursuant to MCL § 169.206(2)(j), so the identification language cited by the Complainant is not required. Detroiters for Change did comply with the identification requirements provided under MCL § 169.247(5)(a).

Complainant finally argues that “because there is no disclaimer (‘not authorized by any candidate’) the expenditures must be in-kind contributions... which are illegal corporate



August 27, 2018

Page 3

contributions to them under MCL 169.254.” This disclaimer language is not required for communications entirely exempted from the Act pursuant to MCL § 169.206(2)(j). MCL § 169.247(5). Because the billboards do not expressly advocate, they are communications entirely exempted from the Act pursuant to MCL § 169.206(2)(j), so the disclaimer language is not required. Also, it is fundamental that the Act’s ban on corporate contributions applies only to “...expenditure[s] made by a corporation...” MCL § 169.254(3) (emphasis supplied). No such expenditure was made.

In a single paragraph, Complainant alleges violations of four sections of the Act, all premised on the assertion that Detroiters for Change expressly advocated for the election of three candidates for the state legislature. The Act is clear as to what constitutes express advocacy, and none is present here. It is respectfully requested that the complaint be dismissed in its entirety as frivolous and that the Department of State require Complainant to pay Detroiters for Change’s attorney fees pursuant to MCL § 169.215(16)(b).

Sincerely,

**DYKEMA GOSSETT PLLC**

A handwritten signature in black ink, appearing to read "W. Alan Wilk".

W. Alan Wilk





STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

August 28, 2018

Debra Freid  
604 South Jefferson Avenue  
Saginaw, Michigan 48607

Re: *Freid v. Detroiters for Change, et al*  
Campaign Finance Complaint  
No. 2018-07-35-24

Dear Ms. Freid:

The Department of State received a response to the complaint you filed against Detroiters for Change, et al, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: W. Alan Wilk



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

December 17, 2018

W. Alan Wilk  
Counsel for Respondents  
Dykema Gossett PLLC  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, Michigan 48933

Dear Mr. Wilk:

The Department of State (Department) has concluded its investigation into the complaint filed by Debra Freid against your clients, alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of the complaint.

Ms. Freid filed her complaint with the Department on July 13, 2018. She alleges that Detroiters for Change has leased billboards advocating for the three candidates named in this complaint, has failed to register as a committee and report these expenditures. Ms. Freid also alleges that the billboards lack the proper identification and illegal corporate contributions.<sup>1</sup>

There are three billboards at issue that were purchased by Detroiters for Change. All three billboards were purchased in the metro-Detroit area and contain similar language. The left side of the billboard contains car insurance costs between one city outside of Michigan and the targeted Michigan city. On the right, the billboards say one of the following: "WE NEED MARSHALL BULLOCK IN LANSING!", "WE NEED TERRA DEFOE IN LANSING!", or "WE NEED ADAM HOLLIER IN LANSING!"

You filed your response by letter dated August 27, 2018 arguing that the billboards did not expressly advocate for the election of Adam Hollier, Marshall Bullock and Terra DeFoe. You argued that the billboards did not contain one of the eight "magic words" of express advocacy, and the communication lacked context by which a voter could infer express advocacy since the billboards did not reference the election, any election dates, political party designation, or any

---

<sup>1</sup> Detroiters for Change is registered as a Domestic Nonprofit Corporation originally incorporated in Michigan on September 28, 2017. Its name was changed from Reform Auto No-Fault Now on April 13, 2018. See Dept. of Licensing and Regulatory Affairs corporate filings, available at [https://cofs.lara.state.mi.us/CorpWeb/CorpSearch/CorpSummary.aspx?ID=802116297&SEARCH\\_TYPE=1](https://cofs.lara.state.mi.us/CorpWeb/CorpSearch/CorpSummary.aspx?ID=802116297&SEARCH_TYPE=1)

candidates for an office. You further stated that because the billboards do not contain words of express advocacy, you were not required to form a committee, provide the disclaimer, and the expenditures were not improper corporate contributions. Ms. Freid elected not to file a rebuttal.

The MCFA prohibits a corporation from making a contribution or expenditure that are excluded from the definition of "contribution." MCL 169.254. Under the MCFA, a contribution is defined as "a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party." MCL 169.204(1). A contribution is not an independent expenditure. MCL 169.204(3)(e). A knowing violation of this section is a felony, punishable by a fine of not more than \$10,000 or imprisonment. MCL 169.254(5).

The MCFA also requires certain identification statements or disclaimers on campaign related materials. Billboards having reference to an election, a candidate, or a ballot question must contain an identification. If the billboard is an independent expenditure, it must contain the disclaimer: "Not authorized by any candidate committee." MCL 169.247(1). Except for communications that are exempted from the act or a candidate committee's printed matter, the identification statement shall also indicate that the printed matter is paid for "with regulated funds." MCL 169.247(4)

However, the MCFA excludes any communication from the Act's reach unless it specifically urges voters to "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). While not an exhaustive list, the express advocacy test excludes a communication from the Act's reach unless it specifically urges voters to "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a ballot question or candidate, using these or equivalent words and phrases. The Department may only consider the text of the communication itself and not the broader context in which it was made in determining whether it is subject to MCFA regulation. *Interpretive Statement to Robert LaBrant*, April 20, 2004.

From the outset, the Department must first determine whether the billboards are express advocacy as defined by the Act. If not express advocacy, the communication is entirely exempted from the act other than for purposes of section 47. Based upon the evidence submitted, the Department concludes that the billboards do not expressly advocate for the election or defeat of a candidate.

First, the billboards do not contain one of the "magic words" or any equivalent phrases. The billboards themselves do not specifically urge voters to "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). While not an exhaustive list, the specific words or similar phrases contained in 169.206(2)(j) must be present to conclude the communication contains express advocacy. The three billboards do not meet this threshold.

Second, the billboards do not contain words of express advocacy because they provide no such words or phrases that suggest express advocacy. For example, the billboards do not contain the

date of any upcoming election, nor do they provide any context on who the individuals named are. Voters reading the billboards do not have – based upon the four corners of the billboard – an idea on who Bullock, DeFoe, or Hollier are, why they are needed in Lansing, or even which elected office they are purported to be seeking.

Therefore, the Department concludes that the billboards do not contain words of express advocacy and are therefore exempt from the Act. Accordingly, the complaint is dismissed, and no further enforcement action will be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L.S. Fracassi". The signature is stylized with a large, sweeping "A" and a cursive "F".

Adam L.S. Fracassi  
Bureau of Elections  
Michigan Department of State

c: Debra Freid

# EXHIBIT 3



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

July 15, 2016

Ruth Pruis  
4708 Riley Street  
Hudsonville, Michigan 49426

Kim Jenkins  
2318 Outback Drive  
Hudsonville, Michigan 49426

Ron Koroleski  
2967 8<sup>th</sup> Avenue  
Hudsonville, Michigan 49426

Dear Ms. Pruis, Ms. Jenkins, and Mr. Koroleski:

The Department of State (Department) received a formal complaint filed by Ken Bergwerff against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on a campaign business card. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

In support of his complaint, Mr. Bergwerff provided a business card which states, "CONCERNED CITIZES OF JAMESTOWN TWP" on the front and "Vote Ron Koroleski For Trustee" on the back. There does not appear to be a paid-for-by statement on the card.

The Department notes that Mr. Bergwerff also alleges that you violated the Act by failing to register a committee and by failing to include a paid-for-by statement on certain other campaign materials. For the reasons stated in the enclosed letter, those allegations have been dismissed.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.



Ruth Pruis  
Kim Jenkins  
Ron Koroleski  
July 15, 2016  
Page 2

**If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA.** Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Mr. Bergwerff, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(6) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Ken Bergwerff



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

July 15, 2016

Ken Bergwerff  
2345 Riley Street  
Hudsonville, Michigan 49426

Dear Mr. Bergwerff:

The Department of State (Department) acknowledges receipt of the complaint you filed against Ruth Pruis, Kim Jenkins, and Ron Koroleski, alleging Ms. Pruis, Ms. Jenkins, and Mr. Koroleski violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, 169.251. This letter concerns the disposition of two of the allegations in your complaint.

The MCFA requires a committee to file a statement of organization within 10 days after a committee is formed. MCL 169.224(1). Late fees may be incurred if the statement of organization is filed late. Id. Failure to file a statement of organization for more than 30 days is a misdemeanor offense. Id. By statutory definition, a committee is formed when "a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate. . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

Additionally, The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

Your complaint alleged that Ms. Pruis, Ms. Jenkins, and Mr. Koroleski were required to form a committee and to meet the registration requirements of the Act. You further alleged that campaign material produced by Ms. Pruis, Ms. Jenkins, and Mr. Koroleski failed to contain a complete and accurate paid-for-by statement. As evidence you supplied a screen shot of a Facebook post, a business card, and a flyer all produced by Concerned Citizens of Jamestown Twp.

First, the Department must determine if any of the materials you provided are covered by and subject to the requirements of the Act. The Department applies the "express advocacy test" to communications to determine if they are subject to the Act. Interpretive Statement to David Murley (Oct. 31, 2005). The MCFA provides that a communication that "does not support or oppose a ballot question or candidate by name or clear inference" is not subject to the requirements and limitations of the MCFA. MCL 206(2)(b). The Act specifically excludes



from the definition of "expenditure" the payment for a communication that does not contain "express words of advocacy of election or defeat such as 'vote for', 'elect', 'support', 'cast your ballot for', 'Smith for governor', 'vote against', 'defeat', or 'reject'." MCL 169.206(2)(j).

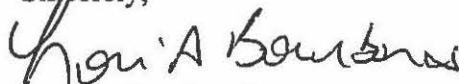
The Department has reviewed the flyer and has determined that it does not contain words of express advocacy, and the production and distribution of this flyer does not give rise to an expenditure as defined by the Act.

However, the Facebook post and business card do contain words of express advocacy. The Facebook post states, "Today we'd like to highlight the candidates that CCJT endorses [.]'" and the statement is followed by a list of candidates. The business card, states "Vote Ron Koroleski For Trustee [.]'" Because these materials contain express advocacy, these communications fall under the ambit of the Act.

A committee is formed when "a person<sup>1</sup> receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate. . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." The evidence you have provided is insufficient to support a conclusion that the cost of the Facebook page and business cards exceeded the \$500.00 threshold, which triggers the requirement to form a committee. Therefore, this portion of your complaint is dismissed without prejudice. However, if you find evidence that Concerned Citizens of Jamestown Twp exceeded the threshold, you may resubmit your complaint along with any newly discovered evidence.

The Department further notes that there is no cost for a Facebook page or a post to a Facebook page. While the Facebook post you provided to the Department does contain express advocacy, there was no payment made for the Facebook page and no paid-for-statement was required to be present on the post. Therefore, this portion of your complaint is dismissed.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

---

<sup>1</sup> "Person" includes a group of people acting jointly. MCL 169.211(2).

Section 1. Complainant:  
Ken Bergwerff 616-291-5052  
2345 Riley St  
Hudsonville, MI 49426

Section 2. Alleged Violators:  
Ruth Pruis  
4708 Riley St  
Hudsonville, MI 49426

Kim Jenkins  
2318 Outback Dr.  
Hudsonville, MI 49426

Ron Koroleski  
2967 8<sup>th</sup> Ave  
Hudsonville, MI 49426

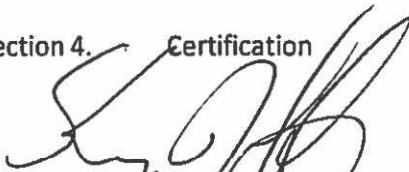
RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2016 JUL -8 PM 3:19  
ELECTIONS/GREAT SEAL

Section 3. Alleged Violations  
MCL 169.247 & 169.224 of MCFA 388

1. There is no committee on file for the Concerned Citizens.
2. There is no name, address, or identification on their electronic communications or printed mailer that was mailed to all of the registered voters who voted in the 2012 primary election. This was a highly targeted mailing.

Most of the business cards that were handed out at the Jamestown Memorial Parade and at township board meetings to not have identification. Some have a sticker promoting a specific candidate (Ron Koroleski). There is no identification on this group's Facebook page – even though they are promoting specific candidates.

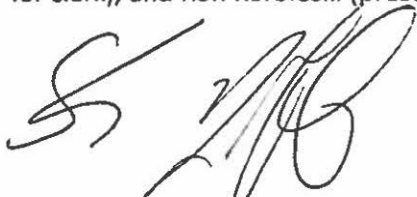
Section 4. Certification



7-5-16

Section 5. Certification without evidence (supplemental top Section 4)

Information contained in the mailing is highly specific and it appears that only someone who worked in the Clerk's office ( or is closely associated with it) would have this information. This includes the photo on the Facebook page of purported tax overcharges. That document was not available to the general public. Ruth Pruis is the former clerk; Kim Jenkins is the former deputy clerk (presently running for clerk); and Ron Koroleski (presently running for trustee).



7-5-16

## Campaign Finance Complaint Form Michigan Department of State

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <u>Ken Bergwerff</u>	Daytime Telephone Number <u>616-291-5052</u>	
Mailing Address <u>2345 Riley St</u>		
City <u>Hudsonville</u>	State <u>MI</u>	Zip <u>49426</u>

Section 2. Alleged Violator		
Name <u>Ruth Prais</u>	<u>Kim Jenkins</u>	<u>Ron Karolowski</u>
Mailing Address <u>4708 Riley St</u> <u>2318 Outback Dr</u> <u>2967 8th Ave</u>		
City <u>Hudsonville</u>	State <u>MI</u>	Zip <u>49426</u>

Section 3. Alleged Violations (Use additional sheet if more space is needed.)
---

Section(s) of the MCFA violated:

MCL 169.247 & 169.224 of MCFA 388

Explain how those sections were violated:

1. There is no committee on file for the  
"Concerned Citizens"

2. There is no name, address, or identification on  
the printed mailer that was mailed to all of the

voters who voted in the Primary election of 2012. There  
is also no identification on the business cards that  
Evidence that supports those allegations (attach copies of pertinent documents and other information):  
were handed out at the Jamesbarn Memorial Day

Parade & that have been disseminated at Township  
board meetings. There is no identification  
on this group's Facebook page - even though  
the...

**Section 4. Certification (Required)**

*I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.*

X

Signature of Complainant

Date

7-5-16

**Section 5. Certification without Evidence (Supplemental to Section 4)**

**Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:**

*I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:*

*Information contained in the mailing is highly specific and it appears that only someone who had worked in clerk's office would know. (or someone who was closely associated with the clerk / deputy clerk)*

*Ruth Pruis is the former clerk. Kim Jenkins is former deputy clerk & is running for clerk. Ron Koraleski is running for trustee.*

X

Signature of Complainant

Date

7-5-16

**Section 15(6) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.**

Mail or deliver the completed complaint form with an original signature and evidence to the following address:

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building - 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918



CONCERNED CITIZENS OF  
**JAMESTOWN TWP**



<http://bit.ly/23kn76j>

**Vote**  
**Ron Koroleski**  
**For**  
**Trustee**

From: Steven Daitch [sdaitch@miottawa.org]  
Sent: Tuesday, July 05, 2016 7:33 AM  
To: Candy DeHaan; Justin Roebuck  
Cc: Ken Bergwerff  
Subject: RE: Independent/Political Committee Formation

Hi Ken,

I can confirm that we do not have any committees on file from Jamestown other than committees that are directly tied to candidates.

Best,  
Steve

---

Steven R. Daitch  
Elections Coordinator  
Ottawa County Clerk/Register of Deeds  
(616) 994-4535  
miOttawa.org/Elections

*email to confirm that  
a committee for this organization  
does not exist*



Screen shot of  
the endorsements  
by this group

June 25 at 2:16pm · 🌐


Today we'd like to highlight the candidates that CCJT endorses. We believe they all hold to conservative principles, a strong work ethic and will do an excellent job serving the township.

Laurie Van Haltsma-Supervisor  
Ann DeHoog-Treasurer  
Tim Tacoma-Trustee  
Ron Koroleski-Trustee  
Ben Miller-Trustee  
Kim Plummer-Jenkins-Clerk

Stay tuned for more details on each candidate.

👍 Like    💬 Comment

Matt Bergmans, Sheryl Vanderkoik, Kraig Koroleski and 5 others like this. Chronological +

 Chris VandenHeuvel I'd be interested to know who is running this page and if there is any connection to these candidates.

👍 1 · June 26 at 5:30am



CONCERNED CITIZENS OF  
**JAMESTOWN TWP**



<http://bit.ly/23kn76j>

**Vote**  
**Ron Koroleski**  
**For**  
**Trustee**

Some cards had  
this sticker on the  
back, most did not.



B. **Fact 2:** There was a failure on the part of the current administration to follow through on documented questionable conduct on the part of certain township employees.

1. **Former Library Director:** It was documented that the previous library director, contrary to her contract, overpaid herself and in addition claimed hours of work from her home on certain Fridays when she did not show up for work at the library. The current administration ignored the findings of an investigation into this matter and declined to follow up with a demand for accountability.

2. **Treasurer's Office:** Over a two year period certain businesses in Jamestown Township were overcharged on their tax bills amounting to a cumulative sum in excess of \$73,000 per year. The treasurer should have and could have immediately resolved this mistake but he refrained from doing so. Instead it was noted that \$1500.00 was paid to an outside firm to confirm the problem which had already been identified by the recipient of the excess revenue. This was done with full knowledge and apparent consent of the current administration. At this printing there is no public record that the victims of this over-taxation have been reimbursed and no apology has been issued.

Additional requested information not honored: The total expenses incurred in resolving this over-taxation matter such as amounts paid to attorneys, Ottawa County, and any other agencies involved.

C. **Additional questions/requests that never got answered or honored by the current administration.**

1. A summary of the major expenditures that caused the \$550,000 plus deficit in the 2016-2017 budget.
2. Actual amount paid to the township lawyer in dealing with fire department issues during the past two years (2014 - 2016).
3. A copy of the payroll time sheets turned in since January 1, 2016.
4. Pertaining to the newly hired financial manager (duties formerly done by the township clerk): How much is he being paid, for how long, and was this position formally approved by the township board?

# The township did WHAT?

REGISTERED VOTERS AT  
1881 RILEY ST  
HUDSONVILLE MI 49426



## INFORMATION ABOUT JAMESTOWN CHARTER TOWNSHIP GOVERNMENT WHICH EVERY CITIZEN SHOULD KNOW ABOUT

**Introduction:** During the recent past a group of citizens in Jamestown Township has been regularly attending township board meetings and have become increasingly concerned about administrative decisions which are in danger of placing our township in financial hardship. With proper leadership most of the causes of the potential financial hardship could have been avoided. This paper contains factual information about these recent decisions - all of which can be verified by examination of the public record. We also bring to your attention what additional information was requested for your knowledge since January of 2016, but the requests were not honored. More information can be obtained by going to our facebook page listed under <http://bit.ly/23kn76j>.

**A. Fact 1: The budget proposed by the supervisor and adopted by the board for the 2016 - 17 fiscal year showed a projected deficit of -\$559,362.** This was part of a budget in which total revenue was projected to be \$1,706,204. This represents an over spending of more than 132% of projected revenues. A look into a past 20 year budget history in Jamestown Charter Township showed a balanced budget for every one of those 20 years. In fact the projected fund balance for the 2015-16 fiscal year was \$1,532,740. We looked into some of the causes of these projected deficits and found the following:

1. ***Replacement Clerk Appointment:*** A person was appointed by the board to replace the former clerk who retired December 31, 2015. The person appointed had no prior experience and no idea of what the duties of township clerk entailed. Yet the administration agreed to pay her the full former clerk's salary of \$28,400 and, in addition, to pay for outsourcing of most of the work done by the former clerk some of which is detailed below.

Accounting & Financial duties: \$6000, Special training: \$1000, Running elections: \$11,600

Additional requested information not honored: A complete listing of all expenses - in addition to the clerk's salary - associated with the clerk's office since January 1, 2016.

(NOTE: The former deputy clerk was trained and ready to assume all the duties of clerk in 2016 for the \$28,400 salary with no additional outsourcing costs to the township. Typically a township appoints the experienced deputy to fill a position until the next election cycle.)

2. ***Attorney Fees:*** Since the current administration took charge in Jamestown Township, over \$115,000 was paid in a three year period on attorney fees. This is an average in excess of \$38,300 per year.

Requested information that was not honored:

- Attorney fees to investigate charges against fire chief which proved to be unfounded.
- A copy of attorney fees during the three year period prior to the current administration taking office

3. ***New Library Director Appointment:*** The new library director agreed to accept the part-time position at the advertised salary of \$31,500. After she was on the job one month her salary was raised to \$35,000 in response to her claim of being underpaid. There were four other qualified applicants for this job at the advertised salary.

Additional requested information not honored: A copy of the current library director's contract containing responsibilities, hours required on the job per week, compensation, etc.

4. ***Supervisor Office Changes:*** Before the current administration took charge, the supervisor's office hours were designated to be Monday, Tuesday, and Thursday for a period of 8 hours per each day. The current supervisor reduced these hours to a period from 1:00 PM to 5:00 PM on Tuesday and Thursday only. He did this while continuing to draw the full supervisor's annual salary of \$36,057. In addition he created a new position of Deputy Supervisor paying \$16.75 per hour and also added \$3000 in the budget for contracted services on behalf of the supervisor.

Jarvis Township  
2013 Property Tax Returns

		Commercial			
Parcel	Name	Address	Delinquent	Exempt	Refund
Industrial personal property - exempt from school operating					
18-004-050	Carroll Mfg		2,358.00		
18-004-050	Don-Rite Machine		5,526.00		
18-005-050	Parabond Sheet Metal		532.50		
18-005-050	Custom Machining		1,721.70		
18-006-050	W B Peller		1,322.50		
18-007-050	Royal Plastics		21,127.40		
18-008-050	WMASS LLC		828.00		
18-009-050	ESPEC		2,157.30		
18-010-050	Speed Wrench		2,443.50		
18-010-050	Speed Oil		1,952.40		
18-010-050	Speed Wrench		434.10		

11 properties

53,812.50

100% collected, 100% should be refunded

Commercial personal property - 12.5 mills exempt from school operating

18-005-000	My-Con Inc	1,944.00	-	972.00	972.00
18-005-000	Jerry Vaccaroak	321.20	-	160.60	160.60
18-005-000	Chemal Communications	1,871.20	-	935.60	935.60
18-005-000	Garber Collision	651.20	-	325.60	325.60
18-004-000	Parabond Sheet Metal	798.80	-	399.40	399.40
18-005-000	Frederick Diesel	575.40	-	287.70	287.70
18-005-000	Harper Media	864.20	(264.00)	-	-
18-005-000	My Pac	525.20	-	262.60	262.60
18-005-000	Advanced Excavating	5,735.00	(1,730.00)	-	-
18-005-000	T-Mobile Central	808.00	-	404.00	404.00
18-007-000	Kariga Construction	845.00	(245.00)	-	-
18-007-000	PCS Wireless	800.40	-	400.20	400.20
18-007-000	ATT Mobility	387.20	-	193.60	193.60
18-007-000	County Line Excavating	832.80	-	416.40	416.40
18-008-000	Wabco Lawn Service	480.00	(480.00)	-	-
18-009-000	GT Displays LLC	1,344.00	-	672.00	672.00
18-009-000	PCS Wireless	872.40	-	436.20	436.20
18-009-000	Koski Prop	787.20	-	393.60	393.60
18-010-000	Randy Dussan	1,214.20	-	607.10	607.10
18-010-000	Patel Helical	675.50	-	337.75	337.75
18-010-000	Wells Fargo	505.20	-	252.60	252.60
18-010-000	ATT Mobility	1,200.40	-	600.20	600.20
18-010-000	ATT Mobility	782.40	-	391.20	391.20
18-010-000	Vonson Wireless	882.40	-	441.20	441.20
18-010-000	Construction Refuse Service	107.20	-	53.60	53.60
18-010-000	T-Mobile Assets	782.20	-	391.10	391.10
18-010-000	SEA 2012 TC Assets	442.80	-	221.40	221.40
18-010-000	Metra Health Hospital	604.20	-	302.10	302.10
18-010-000	Metra PCS	85.20	-	42.60	42.60
18-010-000	Timepaymen Corp	382.20	-	191.10	191.10
18-010-000	Advanced CNC Machining	928.40	(282.40)	-	-
18-010-000	ATT Mobility	291.20	-	145.60	145.60
18-010-000	West Michigan Cabinet Supply	300.00	-	150.00	150.00
18-010-000	Her Company	13,564.80	-	6,782.40	6,782.40
18-010-000	Caterpillar	813.20	(243.00)	-	-
18-010-000	Forest Grove Lawn & Landsc	60.00	-	30.00	30.00
18-010-000	Custom Trenching	675.60	-	337.80	337.80
18-010-000	Orthopedic Associates	14.40	-	7.20	7.20
18-010-000	Michael Zverink	372.20	-	186.10	186.10
18-010-000	RPM Machinery	1,308.80	-	654.40	654.40
18-010-000	MEIS Equipment	727.20	-	363.60	363.60
18-010-000	Radial Foundations	784.40	-	392.20	392.20
18-010-000	Somerset CPAs	1,432.00	(432.00)	-	-

38 properties

48,044.00

(11,258.20)

19,203.40

19,203.40

collected

36,785.80

75,752.50

Total refund

Page from  
Facebook -  
only available  
from the  
Clerk or  
Treasurer's  
office.



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

August 9, 2016

Ken Bergwerff  
2345 Riley Street  
Hudsonville, Michigan 49426

Dear Mr. Bergwerff:

The Department of State received responses to the complaint you filed against Ruth Pruis, Kim Plummer-Jenkins, and Ron Koroleski, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* Copies of the responses are provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Ruth Pruis  
Kim Plummer-Jenkins  
Arthur C. Spalding



rhoades  
mckee  
attorneys

Arthur C. Spalding | Attorney & Counselor  
office: 616.235.3500 55 Campau Avenue NW  
direct: 616.233.5111 Suite 300  
fax: 616.233.5269 Grand Rapids, MI 49503  
email: acs@grlaw.com

July 29, 2016

Ms. Lori A Bourbonais  
Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building  
430 W. Allegan, 1<sup>st</sup> Floor  
Lansing, MI 48918

Dear Ms. Bourbonais:

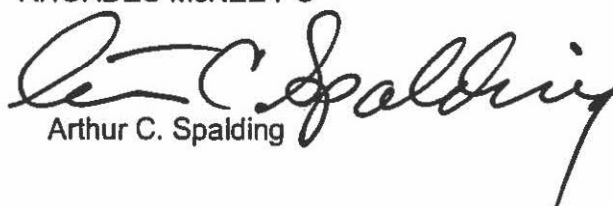
Our office has been retained by Ron Koroleski with respect to your letter dated July 15, 2016 regarding the Complaint filed by Ken Bergwerff. I have been provided with the following information. Ron Koroleski is a candidate for Jamestown Township Trustee. He formed a campaign committee and filed the necessary statement of organization in 2012. He has not been required to make reports of campaign contributions and campaign expenditures because of the small dollar amount of contributions and expenditures. He is unaware of any information that would require Concerned Citizens of Jamestown Township to file a statement of organization. A friend provided him with 50 to 60 cards (business card size) with the phrase "Concerned Citizens of Jamestown Twp" on one side. He prepared the sticker which he placed on the other side of the card which said "Vote Ron Koroleski for Trustee". To his knowledge, Ron Koroleski has complied in every respect with the Campaign Finance Act in all campaign activities.

Ron Koroleski did not knowingly violate the Campaign Finance Act or knowingly fail to comply with MCL 169.247(1). It is possible, without my having reviewed the rules promulgated by the Secretary of State, that the distribution of the cards may be exempt from compliance pursuant to MCL 169.247(3). In any event, the spirit of the language of MCL 169.247(3) would seem to have application. Ron Koroleski has not been the subject of any prior complaint filed with the Bureau. Ron Koroleski intended and intends to make every effort possible to comply with the requirements of the Campaign Finance Act.

Thank you for your consideration.

Very truly yours,

RHOADES McKEE PC

  
Arthur C. Spalding

July 30, 2016

2016 AUG -5 PM 4:04  
ELECTIONS/GREAT SEAL

Michigan Department of State

Bureau of Elections

Attn: Lori Bourbonais

Dear Lori:

This letter is to serve as my response to the Alleged Violations filed against me by Ken Bergwerff on July 5, and your letter dated July 15, 2016, received on July 17, 2016.

As per our phone conversation, I did not produce the business card in question, nor did I pay for or contribute anything to the business cards in question.

Thank you for all your help.

Kimberly Plummer- Jenkins

A handwritten signature in cursive script that reads "Kimberly Plummer-Jenkins". The signature is written in dark ink and is positioned below the printed name.



2016 AUG -9 AM 10:16

Ed: 10/10/16

July 30, 2016

Lori A. Bourbonais

Bureau of Elections

Michigan Department of State

Dear Ms. Bourbonais:

This note is in response to the Alleged Violations filed against me by Mr. Bergwerff on July 5 and the letter written by you dated July 15, 2016 and received on July 17, 2016. As per our telephone conversation, I did not produce or contribute anything to the business cards in question.

Thank you,

A handwritten signature in cursive script, appearing to read "Ruth Ruus".

Ruth Ruus



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 22, 2016

Arthur C. Spalding  
55 Campau Avenue NW  
Suite 300  
Grand Rapids, Michigan 49503

Dear Mr. Spalding:

The Department of State (Department) has completed its investigation of the complaint filed against Ron Koroleski by Ken Bergwerff, which alleged that Mr. Koroleski violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Mr. Bergwerff's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). Some materials are exempt from this requirement due to the unreasonableness of adding a printed disclaimer caused by the size of the material. MCL 169.247(3). R 169.36(3). The Department has compiled a list of items that are exempt from this requirement. *MERTS User Guide Appendix J*, (Nov. 1, 2016)<sup>1</sup>. A knowing violation of this section constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]". MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]". *Id.*

Mr. Bergwerff filed his complaint on July 8, 2016, and you filed a written response on August 2, 2016. Mr. Bergwerff did not file a rebuttal statement with the Department.

Mr. Bergwerff alleged that Mr. Koroleski failed to include a paid-for-by statement on a campaign-related business card. In support of his complaint, Mr. Bergwerff provided a business card which stated, "CONCERNED CITIZENS OF JAMESTOWN TWP [.]". and on the reverse a sticker which stated "Vote Ron Koroleski For Trustee [.]". There did not appear to be a paid-for-by statement on the card.

---

<sup>1</sup> <http://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixJ>



In your response you stated that Mr. Koroleski prepared and placed stickers "which said 'Vote Ron Koroleski for Trustee' on business cards given to him. You asserted that due to the size of the cards perhaps they would be excluded from the identification requirement of section 47, or at least the spirit of the exemption language would apply. However, business cards are not a part of the list of exempt items promulgated by the Department. Additionally, the Department issued the enclosed Interpretative Statement to James Irvine on June 22, 1988 stating that business cards are not exempt from the paid-for-by statement requirement.

While the Department believes that the evidence tends to show that Mr. Koroleski's campaign material failed to contain a paid-for-by statement, and that Mr. Koroleski produced and paid for the cards, at least in part, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]"

The Department is advising Mr. Koroleski that section 47(1) and R 169.36(2) require him to print a complete and accurate identification statement on all of his campaign materials, consisting of the phrase "paid for by" followed by the full name and address of his committee. Note that all printed materials that refer to an election or Mr. Koroleski's candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind Mr. Koroleski of his obligation under the Act to identify his printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department now considers this matter closed and will take no further action against Mr. Koroleski at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Ken Bergwerff

## MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

• SECRETARY OF STATE

STATE TREASURY BUILDING



LANSING

MICHIGAN 48918

June 22, 1988

Mr. James D. Irvine  
14866 Greenbriar Court  
Plymouth, Michigan 48170

Dear Mr. Irvine:

This is in response to your letter of June 6, 1988, requesting an exemption from the identification requirements set forth in the Campaign Finance Act (the Act), 1976 PA 388, as amended.

Section 47(3) of the Act, MCL 169.247, states that "printed matter having reference to an election, . . . shall bear upon it the name and address of the person paying for the matter." This section goes on to state:

"The size and placement of the disclaimer shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section."

Pursuant to this provision in the Act, the Department has promulgated rule 36(3), 1979 AC R169.36(3):

"(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule."

Refrigerator Magnets

The first item you identify is a refrigerator magnet presumably with a plastic case or cover bearing the message:

Mr. James D. Irvine  
June 22, 1988  
Page Two

Elect  
Candidate Name  
Office

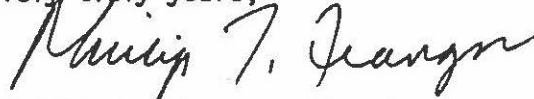
This item would be of comparable size and construction to a button, coaster, cup or yo yo, each of which have been exempted in the past. Because of the size and difficulty in printing the disclosure on the item, refrigerator magnets are not required to bear the language required by section 47 of the Act.

Business Cards

Secondly, you ask if a business card is exempt from the required identification. The card you envision would contain printing on both sides. You suggest that it would be of similar size to a matchbook, which is exempt. However, the materials used in business cards make it possible to include the required identification without unduly limiting the size of the message.

In a July 7, 1978 letter to William A. Everard the Secretary of State concluded that it was reasonable to require the identification on a business card sized piece of campaign literature. There is no new development which would change that conclusion. Thus, the identification required by section 47 must be included on a business card sized piece of campaign literature.

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:cw:rlp



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

November 22, 2016

Ruth Pruis  
4708 Riley Street  
Hudsonville, Michigan 49426

Kim Jenkins  
2318 Outback Drive  
Hudsonville, Michigan 49426

Dear Ms. Pruis and Ms. Jenkins:

The Department of State (Department) has completed its investigation of the complaint filed against you by Ken Bergwerff, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign material. This letter concerns the disposition of Mr. Bergwerff's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

Mr. Bergwerff filed his complaint on July 8, 2016. Ms. Jenkins filed a written response on August 5, 2016, and Ms. Pruis filed a written response on August 9, 2016. Mr. Bergwerff did not file a rebuttal statement with the Department.

Mr. Bergwerff alleged that you failed to include a paid-for-by statement on a campaign-related business card. In support of his complaint, Mr. Bergwerff provided a business card which stated, "CONCERNED CITIZENS OF JAMESTOWN TWP" on one side, and on the reverse side a sticker which stated "Vote Ron Koroleski For Trustee [.]". There did not appear to be a paid-for-by statement on the card.

In your responses you each claimed that you had no part in the production of the business cards. There were also no business cards with stickers supporting either of you, only stickers promoting Mr. Koroleski.

The Department takes you at your word that you did not produce or pay for the business cards. Additionally, Mr. Koroleski has admitted to placing the stickers advocating for his election on the business cards. No evidence has been provided to the contrary.

Ruth Pruis  
Kim Jenkins  
November 22, 2016  
Page 2

Because you did not produce or pay for the business cards, you were not subject to the requirements of section 47 of the Act. Therefore, the complaint against you is dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lori A. Bourbonais  
Bureau of Elections  
Michigan Secretary of State

C: Ken Bergwerff

# EXHIBIT 4



# What could a new downtown Ann Arbor library be like? Director explains

Updated: Nov. 20, 2024, 12:18 p.m. | Published: Nov. 20, 2024, 12:08 p.m.



Ann Arbor District Library Director Eli Neiburger discusses the idea of a new downtown library during a public information meeting in the library basement on Nov. 19, 2024. (Ryan Stanton | MLive.com)

We'll deliver breaking news directly to your inbox. [Sign up today.](#)

By [Ryan Stanton](#) | [ryanstanton@mlive.com](mailto:ryanstanton@mlive.com)  
ANN ARBOR, MI — Ann Arbor District Library Director Eli Neiburger said he's excited about the idea of a new downtown library, but there's no specific plan yet.  
  
Still, there's a general idea of what it could be like and **it could include a new four-story library with high-rise housing stacked above** and possibly other uses within the building, according to concepts being discussed.



Neiburger shared some perspective on the matter during a public information session in the downtown library basement Tuesday night, Nov. 19, as the library is seeking a rezoning of its property at the corner of Fifth Avenue and William Street from public land to D1 high-rise zoning.

"We're in a situation where we've basically determined that this library building is no longer suitable to the library's needs," he said. "We are continually capacity constrained, almost every day. We are running out of space, things are in the wrong place."



The Ann Arbor District Library on Fifth Avenue downtown on Nov. 2, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

The library isn't going to draw up a new library plan as part of its rezoning request because it wants to get the property rezoned first before going into the design phase and partnership development phase, he said.

He listed several development partnership possibilities, including senior housing, affordable and supportive housing, workforce and market-rate housing, a visual arts or performing arts partner, an educational or institutional partner, nonprofit tenants and cafe/food tenants.

Not on the list: University of Michigan student housing. The library is not looking to partner with a student housing developer, Neiburger said, noting there's already been a lot of that downtown.

The library would retain ownership of the land, Neiburger said, and it could lease the air rights above to a developer to help pay for a new library on the lower levels of a high-rise without having to ask voters for a tax increase.



Residents learn about the history of the downtown Ann Arbor library during a public information meeting in the library basement on Nov. 19, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

A \$65 million bond proposal for a new downtown library was rejected by voters in 2012, but the project then was envisioned as another four-story library.

The current library, designed by architect Alden Dow, was built in the 1950s and added onto in the 1970s and 1990s. Because it was put together in three phases, the places where the building pieces come together cause a lot of problems, Neiburger said.

"There's a lot of ceiling tiles missing where there's constant leaks, as well as lots of ventilation challenges — all kinds of things like that," he said. "But the main issue is that the configuration of this space is poorly suited to the library service that operates within it."

Neiburger noted all five branch libraries have different types of zoning other than public land.

"Zoning is not ownership," he said. "Even though the library is seeking a rezoning of the site from public land to D1, that does not affect the ownership of the site."



A drawing by SmithGroup presented by the Ann Arbor District Library at a public meeting on Nov. 19, 2024, showing a rendering of the city's plans for a mixed-income housing development on city-owned property along William Street, with the downtown library site and another high-rise development site just beyond that to the east. SmithGroup

Rezoning opens up new possibilities to meet library needs and community needs such as new housing without new tax revenue, Neiburger said.

"That's the goal of this project," he said, noting there's a trend of new libraries with housing above across the U.S.

He suggested the location of the Blake Transit Center across the street makes the site particularly suitable for a transit-oriented development with housing.



The Ann Arbor District Library on Fifth Avenue downtown on Nov. 2, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

While one concept explored five years ago showed two floors of underground parking, Neiburger said he's not sure they still would do that, but it's possible. That same concept showed a level of office space to be leased to other tenants above the library, with 10 floors of housing above that.

Given what's happening in the commercial real estate market, Neiburger said the office space idea might not make as much sense now, but the idea back in 2019 was having office space on the fifth floor could give the library room to grow up if it ever needed more space.

The downtown library sits between two sites where high-rise developments are in the works, including a student housing development [underway next door](#) along William Street and a mixed-income development with affordable housing [planned on city property across Fifth Avenue to the west](#).

To the north of the library is the Library Lane parking lot where city voters in 2018 approved a concept for a downtown central park that city leaders so far have opted not to implement.





"They paved paradise, put up a parking lot," sings local musician Sasha Hemingway, covering a Joni Mitchell song during a performance for a crowd gathered on downtown Ann Arbor's Library Lot parking lot on April 24, 2022. City voters in 2018 approved turning the lot into a city park, but that has yet to happen. Ryan Stanton | The Ann Arbor News

Several supporters of the central park idea were in attendance Tuesday, curious to know how a new library could interface with the type of plaza or civic commons space they have envisioned there, but Neiburger suggested the library is focused on its own site for now.

"I think we'd be happy to have that conversation if anything happens on that site by the time we're starting this project," Neiburger said, responding to Ann Arbor resident Alan Haber, one of the lead proponents of the idea for the last 15 years.



Ann Arbor resident Alan Haber asks a question during a public meeting at the downtown library on Nov. 19, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

Former City Council Member Kathy Griswold asked if the library has looked at doing a land swap and building on the future central park site next door, which would allow the current library to stay open during construction and sit above the underground Library Lane parking deck.

That's an interesting idea, Neiburger said, but the library typically doesn't make plans for other people's property and what city voters approved in 2018 doesn't seem to allow that.

"The other issue is that we did a study several years ago when we were first considering the downtown library," he said. "One of the challenges is that a library full of books is actually heavier than 10 or 15 stories of apartments."

The structural system that's already in the ground next door may not be enough to hold the stacks, he said.

"It's an interesting idea, we're open to it, but at this point we're focused on this property that we're in control of," he said.



Ann Arbor resident Frank Wilhelme asks a question during a public meeting at the downtown library on Nov. 19, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

Ann Arbor resident Frank Wilhelme asked about plans for maintaining a functional downtown library during construction.

"We would absolutely be committed to a temporary downtown library somewhere in the downtown area," Neiburger said, saying the University of Michigan architecture school's research annex building on Liberty Street at First Street would be a fabulous temporary space if the library could get its hands on that, though there's also available retail space downtown.

Ann Arbor resident Jeff Crockett asked what the building height limit is for the library site as currently zoned.

"There are no zoning restrictions on public land," Neiburger explained, saying a 100-story building would be allowed. "We are seeking to bring this project into the city's zoning regime."



Ann Arbor resident Jeff Crockett asks a question during a public meeting at the downtown library on Nov. 19, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

D1 is Ann Arbor's core downtown zone allowing development up to 180 feet tall in some areas — or even bigger with a 30% height bonus for affordable housing and sustainability features. City officials are now exploring rezoning the downtown to allow buildings up to over 300 feet tall.

While some residents still had questions and critiques of what library leaders are discussing, others expressed support.

"I find this very exciting," said former Ann Arbor Planning Director Karen Hart.



Former Ann Arbor Planning Director Karen Hart speaks during a public meeting at the downtown library on Nov. 19, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

"I feel that a very compelling case has been presented. I think this would be a wonderful addition to our downtown," said Ann Arbor resident Meredith Kahn.

"This is an amazing opportunity for our community," added Meghan Musolff, former chair of the Center of the City Task Force.





Meghan Musloff, former chair of Ann Arbor's Center of the City Task Force, speaks during a public meeting at the downtown library on Nov. 19, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

At least one resident questioned not putting a proposal to voters. Neiburger responded by saying the library constantly hears from people asking for a new downtown library and the board making the decisions is elected by the public.

Neiburger said any decision to go forward with a redevelopment will be made in public and the library would issue a public request for proposals seeking partners.

"A visual arts partner would be a great thing," he said, suggesting live-work spaces for artists would be cool to see.

A performing arts partner also could help provide a large auditorium for the library, he said, saying the library has to turn people away from events all the time due to lack of space.

When the first-floor lobby is set up as a makeshift auditorium with folding chairs, it's just not a comfortable environment and it disturbs the rest of the library, he said. There have been 984 event bookings at the library so far this year and the library constantly has to turn partners away, he said.



A pop-up record fair for Record Store Day at the downtown Ann Arbor library on April 20, 2024. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News



"When this building was built, Ann Arbor had a population of 65,000 people, and now the library serves a population of 170,000 people," Neiburger said, saying the library is bursting at the seams when it's used at peak capacity.

"Our tiny expo is one of our biggest shows that brings over 6,000 people to the downtown library over just a couple hours, and this year we are turning away 200 vendors," he said. "We are accepting about 80 vendors and turning away 200 who would like to be able to sell at that market, but we don't have space for them."

As another example, Neiburger said a Judge John Hodgman show at the library in September was limited to 300 tickets and sold out in minutes, and the library spent weeks fielding angry emails from people who couldn't attend.

It's not necessarily that a bigger library is needed, but the issue is the configuration of the square footage and the maintenance and efficiency challenges, he said. There's a lot of dead space in the library with how it's put together, and library staff spends a lot of time reconfiguring it over and over to make use of the spaces, he said.

Want more Ann Arbor-area news? Bookmark the [local Ann Arbor news page](#) or sign up for the free "[3@3 Ann Arbor](#)" daily newsletter.

---

### Stories by [Ryan Stanton](#)

[Ann Arbor making it easier to open child care centers, including in neighborhoods](#)

[\\$8.6M project aims to improve safety, calm traffic along major Ann Arbor corridor](#)

[DTE gas line leak shuts down Main Street in downtown Ann Arbor](#)

['Not in this city.' Residents symbolically cleanse Ann Arbor in response to white supremacists](#)

[See where Trump, Harris had biggest support in Ann Arbor area](#)

---

If you purchase a product or register for an account through a link on our site, we may receive compensation. By using this site, you consent to our [User Agreement](#) and agree that your clicks, interactions, and personal information may be collected, recorded, and/or stored by us and social media and other third-party partners in accordance with our [Privacy Policy](#).



About Us	Subscriptions	MLive Sections	Your Regional News Pages	More on MLive
Contact Us	MLive.com	Jobs	Saginaw	Video
Jobs at MLive	Newsletters	Autos	Jackson	Weather
MLive Media Group	The Ann Arbor News	Real Estate	Kalamazoo	Post a job
Our Team	The Bay City Times	Rentals	Muskegon	Archives
Advertise with us	The Flint Journal	Classifieds	Ann Arbor	Classifieds
Accessibility Statement	The Grand Rapids Press	News	Bay City	Sell your car
	Jackson Citizen Patriot	Business	Flint	Sell/Rent your home
	Kalamazoo Gazette	Sports	Grand Rapids	Sponsor Content
	Muskegon Chronicle	Advice		
	The Saginaw News	High School Sports		
		Betting		
		Life	Mobile	Follow Us
		Opinion	Mobile apps	Twitter
		Obituaries		Facebook
				YouTube
				RSS
	Already a Subscriber			
	Manage your Subscription			
	Place a Vacation Hold			
	Make a Payment			
	Delivery Feedback			

Your Privacy Rights



[Privacy Policy](#)

[User Agreement](#)

[Ad Choices](#)

# ADVANCELOCAL

Use of and/or registration on any portion of this site constitutes acceptance of our [User Agreement](#), (updated 8/1/2024) and acknowledgement of our [Privacy Policy](#), and [Your Privacy Choices and Rights](#) (updated 7/1/2024).

© 2024 Advance Local Media LLC. All rights reserved ([About Us](#)).  
The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Advance Local.

[Community Rules](#) apply to all content you upload or otherwise submit to this site.

**YouTube's privacy policy** is available [here](#) and **YouTube's terms of service** is available [here](#).

[Ad Choices](#)

# EXHIBIT 5



---

TO: Mayor and Council

FROM: Milton Dohoney Jr., City Administrator

CC: Sara Higgins, Director of Operations  
Atleen Kaur, City Attorney  
Marti Praschan, Interim Deputy City Administrator

SUBJECT: City of Ann Arbor / Ann Arbor District Library Negotiation Summary –  
Library Lane

DATE: **March 3, 2025**

---

The attached bullet points that I am sharing represent the framework of a potential deal with the Ann Arbor District Library (AADL). These things are the result of my discussions with the Executive Director of the AADL. These elements, if supported, would become part of an agreement between the City and AADL. **This agreement would not be presented to you for an actual vote until the voters of Ann Arbor decide if they support altering the Charter to allow for this transaction to take place.** The deal points would also need to be supported by the AADL Board. I am open to any feedback that you may have about the structure.

## City/AADL Negotiation Summary

- Negotiations will be completed by end of February
- City/AADL will issue joint release touting deal framing elements
- AADL currently pursuing zoning change to D1 for main library site, before Planning Commission on Feb 7th
- AADL will replace their main structure regardless of Library Lane outcome
- Charter change expected to clear up all “block” issues
- AADL would review ballot language before it’s finalized
- City to sell air rights for Library Lane Lot to AADL for \$1
- But for permitting and administrative processes City would end any direct/operational involvement at that point
- Within 3-4 years library would vacate main site for a temporary location
- Vertical construction would commence simultaneously on both sites with the intention of reaching maximum heights on both
- Formal library programming would occur at both sites as they would be conjoining structures on the second floor
- First level of Library Lane site would contain retail and other elements of a “public space”
- AADL will stipulate in the air rights transaction: a portion of housing would be marketed to artists, there would be a space dedicated to small business programming, City would have free use of 2<sup>nd</sup> floor “event” space, parking structure to remain as is until debt rolls off, then AADL would purchase it from the City
- Housing would be a combination of market rate, affordable units, and potentially senior housing
- AADL would sell/lease air rights to a developer obtaining annual payments to pay debt service on the bonds for vertical construction, no financing
- AADL would run a public design competition to gain input on what the structures ought to look like
- AADL will run a public process for all the phases they would benefit from a robust community engagement
- City would derive substantial tax revenue once sites are built out with housing
- Friends of Library would help fund a “yes” campaign in the range of \$50K+
- AADL is not open to a PUD, D1 is the best option for a By-Right development

In 2042 the debt on the garage is scheduled to be paid off. The following transaction will occur at that time:

- \* Both parties will do a 50/50 split on obtaining an appraisal of the asset
- \* That will set the fair market value of the garage
- \* The parties will negotiate credits/discounts for mutual interests, and the fact that a sale
- \* That will yield an adjusted sale price
- \* At closing AADL would be required to make a lump sum down payment of X to the City
- \* To satisfy the remaining “mortgage” the City would continue to receive revenue payments  
from the operation of the garage (in the manner that we do now) until the sale price has  
been satisfied.

# EXHIBIT 6



[Home](#) > [Your Government](#) > [Departments A-H](#) > [Clerk / Register of Deeds](#) > [Elections](#) > Election Results Archive

[Go to Last Search](#)

**Similar results:**

City Proposal/Ann Arbor/General/Nov 6, 2011

Go »

SHARE THIS DATA:



**CHOICES**

☒ Yes

☐ No

**Actions**

[Download CSV Data](#)

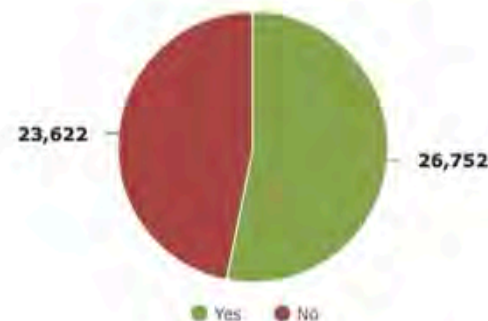
[View Official Source](#)

**Summary**

Shall the City-owned public land bounded by Fifth Ave, and William, Division and Liberty Streets be retained in public ownership, in perpetuity, and developed as an urban park and civic center commons, known as the "Center of the City" by adding a new section for the purpose as explained above?

**2018 Nov 6 :: City of Ann Arbor :: City Proposal**

Ann Arbor City Proposal A - Charter Amendment for the City-Owned Public Land Bounded by Fifth Avenue, and William, Division, and Liberty Streets to be Designated, in Perpetuity, as an Urban Park and Civic Center Commons to be Known as the "Center of the City," by Amending the Ann Arbor City Charter Adding a New Section 1.4 to Chapter 1 of the Charter. [See summary »](#)



View results as: # | %

Precinct	Yes	No	Total Votes Cast
<b>TOTALS</b>	26,752	23,622	50,374
City of Ann Arbor, Ward 1, Precinct 1	336	164	500
City of Ann Arbor, Ward 1, Precinct 2	394	334	728
Ann Arbor City, Ward 1, Precinct 3	255	166	421
Ann Arbor City, Ward 1, Precinct 4	215	273	488
City of Ann Arbor, Ward 1, Precinct 5	517	439	956
City of Ann Arbor, Ward 1, Precinct 6	374	355	729

# EXHIBIT 7



# VOTE YES ON A ☒ B

## FOR YOUR DOWNTOWN LIBRARY



**Ann Arbor loves its public libraries**, but the downtown building is at the end of its useful life. Props A&B authorize the City to transfer land to the AADL for:

- **A new, state-of-the-art downtown library**
- Mixed income housing
- Outdoor public open space
- Public meeting & performance space
- Local retail & business incubation

## ALL WITH NO NEW TAXES!

**Vote YES on or before  
August 5th, 2025**

Learn more at [SupportAADL.com](https://SupportAADL.com)

  @SupportAADL



**SUPPORTERS OF THE  
DOWNTOWN LIBRARY**





**VOTE YES  
ON A ☒ B**

**TUESDAY, AUGUST 5, 2025**

**"In the midst of federal cuts to our social services, it has never been more important to support our local libraries. Vote YES on **Proposals A&B for a new downtown library** that will serve our community for decades to come."**

**—JASON MORGAN, State Representative**

### **Community leaders say vote YES**

**State Senator Jeff Irwin**

**State Representatives Carrie Rheingans,  
Morgan Foreman, and Jennifer Conlin**

**Mayor Christopher Taylor  
& all A2 Councilmembers**

**AADL President Molly Kleinman  
& all AADL Board Members**

**And more!**

**Paid for with regulated funds by Supporters of the Downtown Library  
2075 W Stadium Blvd #2861, Ann Arbor, MI 48103**







# SUPPORTERS OF THE DOWNTOWN LIBRARY

Response to  
#25-044,  
Exhibit 7

Dear [REDACTED],

On August 5th, our community will vote on Ann Arbor Proposals A and B. With absentee ballots in hand, we're writing to encourage you to **vote YES in support of the Ann Arbor District Library**.

Proposals A and B authorize the City of Ann Arbor to transfer land to the AADL **for a new downtown library** with mixed income housing, outdoor public space, books, and more - all with **NO NEW TAXES!**

First built in 1957, with two additions since then, the Downtown Library building can no longer meet the needs of the community. In 2024, there were **more than 450,000 visits to the Downtown Library**. The current library struggles to accommodate community demand for events, leading to uncomfortable and crowded spaces. With ongoing leaks and serious plumbing issues, **the case for a new downtown library is undeniable**.

Proposals A and B would allow the AADL to **build a state-of-the-art downtown building** with increased capacity to meet community needs.

Your trusted leaders and community organizations urge you to **VOTE YES:**

- State Senator Jeff Irwin
- State Representatives Jason Morgan, Carrie Rheingans, Morgan Foreman, and Jennifer Conlin
- Mayor Christopher Taylor & all Ann Arbor Councilmembers
- AADL President Molly Kleinman & all AADL Board members
- Washtenaw County Prosecutor Eli Savit & Chief Assistant Victoria Burton-Harris
- Washtenaw County Sheriff Alyshia Dyer
- Washtenaw County Commissioners Andy LaBarre, Katie Scott, & Annie Somerville
- Laborers Local 499
- IBEW Local 252
- Lecturers' Employee Organization (AFT Local 6244)
- Ann Arbor/Ypsilanti Chamber of Commerce

For more on Proposals A and B or to learn more about casting your ballot, visit [SupportAADL.com](http://SupportAADL.com) - or, check out the AADL's resources at [aadl.org/vote](http://aadl.org/vote). Don't forget to vote YES on or before August 5th!

Cordially,

**Supporters of the Downtown Library**

Paid for with regulated funds by Supporters of the Downtown Library  
2075 W Stadium Blvd #2861, Ann Arbor, MI 48103



**VOTE YES  
ON A ☒ B**

**FOR YOUR DOWNTOWN LIBRARY**

**AUGUST 5, 2025**



**SUPPORTERS OF THE  
DOWNTOWN LIBRARY**

OR WITH REGULATED FUNDS BY SUPPORTERS OF THE DOWNTOWN LIBRARY, 2075 W. STADIUM BLVD. #2001, ANN ARBOR, MI 48103





# ANN ARBOR DISTRICT LIBRARY

## **On August 5th, the future of the Library is on the ballot.**

The Downtown Library has served the community well for almost 70 years. As library services and events have grown, the Library Board has determined that the building's spaces, systems, and structure no longer meet the needs of the community. A new Downtown Library would deliver accessible, sustainable, and inspiring public spaces, funded by the development of housing above the library, bringing much-needed public amenities to the heart of downtown Ann Arbor.

This summer, voters will decide if the footprint of the new library will also include the surface of the Library Lane parking garage. A bigger site opens up more possibilities for the project, such as:

- Exciting new Kids Room and outdoor play area
- Outdoor gathering and performance space
- Better browsing access for books, music, video, tools, equipment, and games
- Gallery space for traveling and local exhibitions
- Publicly available studios for producing video, audio, and art projects
- Local history reading room and quiet space
- Larger, more comfortable, more flexible spaces for Library events
- Café and local shops
- More meeting rooms, including rehearsal spaces

**Find out more at [aadl.org/vote](http://aadl.org/vote)**

**REMEMBER TO VOTE  
BY AUGUST 5TH!**



**ANN ARBOR DISTRICT LIBRARY**

343 S. FIFTH AVE | ANN ARBOR, MI 48104

NON-PROFIT ORG  
EDDM ECRWSS  
U.S. POSTAGE  
**PAID**  
PERMIT #229  
ANN ARBOR, MI

**RESIDENTIAL CUSTOMER**



## Proposals A and B do not authorize any new taxes or zoning changes.

AADL will publicly seek partners who develop affordable, market-rate, artist, or senior housing to be built above the new library. AADL will be the owner and operator of the library property, with housing above the library operated by the selected housing partners. AADL will operate a temporary Downtown Library throughout construction, at a site to be determined later.

### PROPOSAL A

#### AMENDMENT TO AUTHORIZE THE TRANSFER OF CITY OWNED PROPERTY TO THE ANN ARBOR DISTRICT LIBRARY

Shall Section 14.3 of the City Charter be amended to authorize the City to sell its interests in 319 South Fifth Avenue or 326 South Division Street, commonly known as the Library Lane Parking Structure, only to the Ann Arbor District Library for the purpose of building a mixed-use development that includes additional library services, housing, retail, and programmable open public space? This proposal does not authorize new taxes. Adoption of this amendment is conditioned on adoption of City Proposal B at this election.

### PROPOSAL B

#### AMENDMENT TO REPEAL SECTION 1.4 OF THE CITY CHARTER

Shall Section 1.4 of the City Charter, currently titled Center of the City, be repealed? Adoption of this amendment is conditioned on adoption of City Proposal A at this election.



## MY DREAM LIBRARY

Some Dream Libraries from our patrons!  
Show us your Dream Library at [aadl.org/dreamlibrary](http://aadl.org/dreamlibrary)



THIS INFORMATIONAL MAILER PRODUCED AND DISTRIBUTED BY THE ANN ARBOR DISTRICT LIBRARY

# REMEMBER TO VOTE BY AUGUST 5TH!

Absentee voting begins June 26th. Vote early at City Hall, or Traverwood, Malletts Creek, or Westgate Branches: July 30th–August 3rd

# EXHIBIT 8

Saved from <https://www.mlive.com/news/ann-arbor/2025/07/a-fraud-upon-the-electorate->

search

16 Jul 2025 19:07:10 UTC

Redirected from <https://www.mlive.com/news/ann-arbor/2025/07/a-fraud-upon-the-electorate->

history ← prior next →

no other snapshots from this url

All snapshots from host [www.mlive.com](http://www.mlive.com)

Response to #25-044,  
Exhibit 8

Webpage

Screenshot

share

download .zip

report bug or abuse



# 'A fraud upon the electorate.' Lawsuit challenges Ann Arbor ballot proposals for new library

Updated: Jul. 16, 2025, 3:02 p.m. | Published: Jul. 16, 2025, 2:53 p.m.



"Stop selling park land," states a yard sign against Proposals A and B in Ann Arbor on July 5, 2025, next to a separate sign against the city's proposed comprehensive land-use plan. City voter approval of Props A and B would allow the Ann Arbor District Library to incorporate the city's Library Lane property into its downtown library redevelopment plans and undo a 2018 city charter amendment that designated the land as a future urban park and civic commons. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

We'll deliver breaking news directly to your inbox. [Sign up today.](#)

By [Ryan Stanton](#) | [ryanstanton@mlive.com](mailto:ryanstanton@mlive.com)

ANN ARBOR, MI — A new lawsuit taking aim at Proposals A and B on the Aug. 5 ballot in Ann Arbor accuses the city of perpetrating “a fraud upon the electorate.”

That’s because what’s in the city’s ballot wording promising a mixed-use library development would not be codified into law in the city charter, according to the complaint filed Wednesday, July 16, by attorney Noah Hurwitz of Hurwitz Law PLLC on behalf of two plaintiffs who are Ann Arbor taxpayers.

## Response to #25-044, Exhibit 8



"It's a real straightforward issue," Hurwitz said. "When you look at the ballot language and the proposed charter amendment, it just kind of seems obvious to me the purpose of the amendment is not what's reflected in that ballot language."

Hurwitz is representing Ann Arbor resident Lynda Asher and Oakland County resident Danielle McCluskey-Schink, who also owns a condo next to the city's Library Lane property, the site that's the subject of the ballot proposals.



The city's Library Lane property next to the downtown Ann Arbor library, the subject of Proposals A and B on the Aug. 5 ballot, on July 13, 2025. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

Voter approval of the proposals would allow the city to sell the Library Lane property to the Ann Arbor District Library and undo a 2018 city charter amendment declaring it must become a downtown urban park and civic commons.

The ballot wording, which city officials say would be legally binding and which the lawsuit challenges, states the city could sell the property to AADL "for the purpose of building a mixed-use development that includes additional library services, housing, retail and programmable open public space." But various critics, and now the lawsuit, point out those details aren't included the accompanying city charter language, and some park proponents are concerned AADL could do whatever it wants with the property after the city transfers it for \$1.

"The ballot language is not the law," Hurwitz said. "The law is the proposed charter amendment."



City Attorney Atleen Kaur said she has not seen a copy of the lawsuit yet and can't comment at this time.

## Response to #25-044, Exhibit 8



The city's Library Lane property next to the downtown Ann Arbor library, the subject of Proposals A and B on the Aug. 5 ballot, on July 13, 2025. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

The 11-page complaint asks the Washtenaw County Circuit Court to “declare that the misleading ballot language is void and of no force and effect” and “strike the offending ballot language or cancel the election in the interests of justice,” as well as issue an order requiring the city to take all steps necessary to place on the Aug. 5 ballot a charter amendment “with the form of ballot language set forth” in a City Council resolution.

Ann Arbor voters have waited since 2018, when the city charter was amended, for the city to deliver the promise of developing the Library Lane property into an urban park and civic commons known as the “Center of the City,” the lawsuit states.

“Instead, the city is pivoting in the direction of selling the land to the Ann Arbor District Library, which can then do anything it wishes with the land, including but not limited to selling the land to a developer to build another luxury high-rise housing development,” it states.



The city's Library Lane property next to the downtown Ann Arbor library, the subject of Proposals A and B on the Aug. 5 ballot, on July 13, 2025. (Ryan Stanton | MLive.com) Ryan Stanton | The Ann Arbor News

Library officials have said AADL would retain ownership of the land to build a new library as part of a mixed-use development with mixed-income housing for a variety of people, including senior housing, affordable housing, artist housing and market-rate housing, and in addition to a public plaza suitable for events on the Library Lane property, AADL also hopes to include rooftop outdoor public space as part of the project.

The lawsuit asks the court to consider the matter on an expedited basis before the Aug. 5 election. Absentee voting is already underway and in-person early voting starts July 30.

Want more Ann Arbor-area news? Bookmark the [local Ann Arbor news page](#).

Stories by [Ryan Stanton](#)

[New housing density limits proposed for Ann Arbor neighborhoods](#)

[Find free treasures, donate clothes at Ann Arbor's first monthly clothing swap](#)

[What to know about the 'Good Trouble Lives On' protests against Trump in Michigan](#)

['A lot of disinformation' on Props A and B spurs Ann Arbor library director to respond](#)

['An accidental revolutionary.' Ann Arbor author's memoir reflects on 1970s radicalism](#)

If you purchase a product or register for an account through a link on our site, we may receive compensation. By using this site, you consent to our [User Agreement](#) and agree that your clicks, interactions, and personal information may be collected, recorded, and/or stored by us and social media and other third-party partners in accordance with our [Privacy Policy](#).



About Us

- Contact Us
- Jobs at MLive
- MLive Media Group
- Our Team
- Advertise with us
- Accessibility Statement

Subscriptions

- MLive.com
- Newsletters
- The Ann Arbor News
- The Bay City Times
- The Flint Journal
- The Grand Rapids Press
- Jackson Citizen Patriot
- Kalamazoo Gazette
- Muskegon Chronicle
- The Saginaw News

Already a Subscriber

- Manage your Subscription
- Place a Vacation Hold
- Make a Payment
- Delivery Feedback

**MLive Sections**

- Jobs
- Autos
- Real Estate
- Rentals
- Classifieds
- News
- Business
- Sports
- Advice
- High School Sports
- Betting
- Life
- Opinion
- Obituaries

**Your Regional News Pages**

- Saginaw
- Jackson
- Kalamazoo
- Muskegon
- Ann Arbor
- Bay City
- Flint
- Grand Rapids

**Mobile**

- Mobile apps

**More on MLive**

- Video
- Weather
- Post a job
- Archives
- Classifieds
- Sell your car
- Sell/Rent your home
- Sponsor Content

**Follow Us**

- Twitter
- Facebook
- YouTube
- RSS

**Response to #25-044, Exhibit 8**

**Your Privacy Rights** | [Your Privacy Choices](#)  [Privacy Policy](#) | [User Agreement](#) | [Ad Choices](#)

**ADVANCELOCAL**

Use of and/or registration on any portion of this site constitutes acceptance of our [User Agreement](#), (updated 8/1/2024) and acknowledgement of our [Privacy Policy](#), and [Your Privacy Choices and Rights](#) (updated 7/1/2025).

© 2025 Advance Local Media LLC. All rights reserved ([About Us](#)).  
The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Advance Local.

[Community Rules](#) apply to all content you upload or otherwise submit to this site.

**YouTube's privacy policy** is available [here](#) and **YouTube's terms of service** is available [here](#).

 [Ad Choices](#)



# EXHIBIT 9

Transcription, Ann Arbor City Council Meeting  
March 4, 2024

Discussion of DC-4 Motion to Reconsider the February 20, 2024 Vote that Defeated the Resolution to Approve a Golf Cart Lease and Appropriate Funds for the Purchase of Lawnmowers

Delacourt: If no carts, the courses will lose money and would result in closing the courses, rather than move money from other operations.

Review parks needs and transition to electric carts by the end of this cart lease agreement. Carts are leased by the parks funds. Contract does not set behind A2Zero plans.

CM Radina: not personally a fan of urban golf courses. there are better uses for this land in our city. Wants visioning to guide staff about the property wants visioning, planning

1:35, CM Eyer: I have made no secret of the fact that given that we have a housing crisis and a climate crisis, that **golf courses just are not a good use of land within the city**...The idea for me of voting for this golf cart lease for gas powered golf carts and then layering on top of it the idea that we are going to invest a lot of money in putting in EV infrastructure for electric golf carts in the future, therefore increasing our investment in this land use that I

think is completely contrary to everything we say we stand for up here. It is just something that I'm not willing to do. If that means we throw things in disarray for a minute, I'm ok with that. Sometimes that's the best way to get things done. So under no circumstances can I vote for this tonight.

1:36, **CM Cornell**: I am a little frustrated that really nothing is different from the last time that this came before us. I would have liked to have seen some consideration around the GPS units and whether or not that could be money used to keep the golf courses open. I mean we're renting golf carts and we can't pay for the golf courses seems really strange to me. When you look at the environmental impacts, I serve on the board of the Ecology Center, I ran on an environmental platform.

2.5 hrs/wk of use of a gas powered golf cart, emits the same amount of CO<sub>2</sub> as 8 refrigerators powered consistently, constantly for an entire year. My conscience on that point, I'm not going to vote yes for this, also we need to recognize the dichotomy between being outside for recreation while contributing to the relentless environmental destruction by having these crazy pollutants that we're subsidizing and I also think there's a really terrible dichotomy that as a body we can sit here and say "you can rake" but you can't walk when you golf. That to me is also a terrible message to send and seems inconsistent. If that's what our values are, why don't they align? Golf only benefits golf. We're gonna lose money

and what we heard loud and clear on this memo and in these discussions is that we can't even afford the parks that we have. And so I think this is a terrible use of staff time to continue to pursue this and we need to look at the economic benefits of it and figure out a way to afford it. I don't think that it's necessary and **I think as a city park, it's taking more away from what we believe in and the values that we have** in our budget than it brings in and it's not justifiable.

1:38, **CM Disch:** I wanted to ask two questions of Mr. Delacourt. I wondered if you could give us just a couple of words on what other needs of the parks system that for now would make electrification of golf carts a lower priority? **Is it too late to make sure that the comp plan team considers what we might want to do with our golf courses** and in particular in reference to our 20 minute neighborhood goals. because it's true that Leslie Park, makes it very difficult for people who live on our side of town to get to the services that they need, and the residents who live off of LP are sometimes frustrated by the fact that they can't use it as fully as they would like to because it's being used as a golf course / I know these things are... I'm not asking for us to change those I'm asking if **It's still possible to get the comprehensive plan team to consider what we might do with them other than what we're using them for** (golf courses)

1:40, Mr. Delacourt, (summarized) commented on passing on the information on housing in relation to all land uses including park properties. with respect to the Comprehensive Land Use Plan, followed by comments on using all land uses including park land in the city and what that would look like.

1:44, **Briggs**: as I voiced at our last meeting I remain concerned that this lease conflicts with our carbon neutrality goals and that **the golf courses conflict with our land use goals**. I also recognize that Parks as we just heard are faced with significant capital improvement needs. I believe that Parks rightly noted that the investment in facilities for charging vehicles wasn't aligned with our goals and didn't raise that up. I continue to be concerned and a bit frustrated that staff brought us this lease without the planning background behind it that I think it deserved. I don't think we should have been presented with this lease as it came to us. I'm appreciative of CM Cornell for raising the issue at the last meeting and highlighting this, it's difficult because I don't disagree with anything that she said or CM Eyer said in terms of what our values are, but I also agree with CM Radina in the sense that I don't believe that this vote should be our proxy vote for closing the golf courses. I think that we should approach that thoughtfully and appropriately. An abrupt closure has a significant impacts on staff, it has significant impacts on community recreational expectations of which golf courses are not a priority of

mine, but I recognize that they are an expectation of our community at this point. I believe that the time has come for us to have a serious conversation around that. But I don't believe that we do so in the capacity of this vote. I would be happy to cosponsor a resolution to have us actively look at this issue well in advance of when this lease is going to be up so that we can have a thoughtful conversation about what the future of this land should look like and do that in conjunction potentially with our Comprehensive Land Use Plan. Because I think that there are significant tradeoffs that we're facing at this point. Unfortunately I will reluctantly continue to vote for approval of this lease despite my significant discomfort with it. But I hope that we can have a serious conversation around the future of golf courses.